



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Michelle Sanchez  
Arizona Dept. of Education  
1535 West Jefferson Street  
Phoenix, AZ 85007

Dear SEA Charter Schools Program Grant Administrator:

In 1986, the United States Congress passed the Asbestos Hazard Emergency Response Act (AHERA) (15 U.S.C. §§ 2641-2656), which required the U.S. Environmental Protection Agency (EPA) to establish Federal regulations that safeguard our Nation's school children from asbestos exposure in school buildings. In 1987, and pursuant to AHERA, EPA promulgated the "Asbestos in Schools Rule" (40 CFR Part 763, Subpart E), which set forth specific regulatory requirements designed to protect students, teachers, and other school employees from exposure to asbestos contained within non-profit private and public primary and secondary schools.

The growth of charter schools in the United States, occurred, for the most part, after the original AHERA asbestos inspection deadline of October 1988 for school buildings subject to AHERA. We believe that this may be a contributing factor to our recent discovery that many of our Nation's charter schools, which are subject to AHERA, may be unaware of their responsibilities under AHERA and the Asbestos in Schools Rule. The EPA and the Department of Education are committed to ensuring that our Nation's school children, teachers, and school employees are protected from asbestos exposure by providing AHERA compliance assistance to local education agencies and their school(s).

The AHERA asbestos in schools rule is mandatory. The rule is enforceable by law, and schools may be subject to monetary penalties if they are not in compliance with its requirements. EPA and the Department of Education hope that we can bring charter schools into compliance by helping to inform them about the requirements.

We ask that you, as a State Education Agency (SEA) charter schools program grant administrator, help us in this effort by making information regarding AHERA and the Asbestos in Schools Rule available to the charter schools with whom you work. With your help, we can ensure that charter schools are aware of their responsibilities under AHERA and the Asbestos in Schools Rule, and can take the appropriate steps to protect their students, teachers, and other school employees from possible asbestos exposure.

Enclosed you will find a complete list of the EPA Regional Asbestos Coordinators whom you and your individual charter school representatives can contact for additional information on AHERA and the Asbestos in Schools Rule. Also enclosed are two fact sheets on asbestos in schools and a copy of EPA's recently updated guidance entitled *The ABC's of Asbestos in Schools*. In addition, you and your charter schools can find more information at [http://www.epa.gov/asbestos/asbestos\\_in\\_schools.html](http://www.epa.gov/asbestos/asbestos_in_schools.html). You or your individual charter school representatives may also check with their EPA Regional Asbestos Coordinator (contact information enclosed) who can provide appropriate State contact information and more specific information on the implementation of AHERA requirements in your State. You may also contact Robert Courtnage of the National Program Chemicals Division at EPA Headquarters in Washington, DC, for further information. He can be reached at 202-566-1081.

Sincerely,



Maria J. Doa, Ph.D.  
Director  
National Program Chemicals Division  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency



Dean Kern  
Director  
Charter Schools Program  
Office of Innovation and Improvement  
U.S. Department of Education

Enclosures